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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,712	04/29/2002	Jan Dietrich	1966	4591
7590	11/30/2004		EXAMINER	
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			GRAHAM, GARY K	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/049,712	DIETRICH ET AL.
	Examiner	Art Unit
	Gary K Graham	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 18 is/are allowed.
- 6) Claim(s) 1-15 and 17 is/are rejected.
- 7) Claim(s) 16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Green et al (U.S patent 3,958,295).

The patent to Green discloses the invention as is claimed. Note figure 2 which shows the wiper blade (20) in cross section. Such blade has constriction grooves to define an intermediary strip (19). As can be seen in figure 2, the lateral defining surfaces of constriction grooves leading to the strip (19) both have a spherical course. Also, Green discloses a support element (16) which has a connection device (13) thereon for a wiper arm (10). The support element has two band-like strips (shown but not numbered) which engage in the constriction grooves. Note that the width of the constriction grooves is greater than the thickness of the spring strips.

With respect to claim 1, note that the grooves of Green are shaped such that they would enable tilting of the wiper lip originating between the edges of the strips. Clearly the lip is "tiltable" or capable of tilting. Nothing would prohibit such.

Claims 1, 2, 5-10, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosen (U.S patent 3,636,583).

The patent to Rosen discloses the invention as is claimed. Note rubber wiper blade (11) with closed conduit (24) therein for placement against window (25). Said conduit is closed by plugs (23). The blade has two diverging grooves (19) therein for receiving separate band-like strips (20). Note that the width of the constriction grooves is greater than the thickness of the spring strips (fig. 2). Note crosspieces (21).

With respect to claim 1, note that the grooves of Rosen are shaped such that they would enable tilting of the wiper lip originating between the edges of the strips. Clearly the lip is "tiltable" or capable of tilting. Nothing would prohibit such.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 7-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rickett (GB patent 1,222,648) in view of Anderson (US patent 3,372,423).

The patent to Rickett discloses the invention substantially as is claimed, including rubber wiper blade (10) for placement against windows. The blade has two grooves (22,24) therein for receiving separate band-like strips (32,34). Note that the width of the constriction grooves is greater than the thickness of the spring strips (fig. 1). Note that the spring strips extend longer than the wiper blade. Note crosspieces (33) at opposite ends of the blade which engage an upper surface of the spring strips.

The patent to Rickett discloses all of the above recited subject matter with the exception of the wiper lip being tiltable between the constriction grooves.

The patent to Anderson (see fig. 12) discloses shaping of the constriction grooves (34) between the spring strips (35) such as to promote vacillation or tilting of a portion or portions of the wiper blade between the strips.

It would have been obvious to one of skill in the art to shape the constriction grooves of Rickett, as clearly suggested by Anderson, to promote vacillation or tilting of the wiper blade and thus improve wiping performance.

Claims 1, 7-10, 13, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krohm (US patent 3,084,372) in view of Anderson (US patent 3,372,423).

The patent to Krohm discloses the invention substantially as is claimed (figs. 1,2). Note rubber wiper blade (2) for placement against windows. The blade has two grooves (11) therein for receiving separate band-like strips (12). Note that the width of the constriction grooves is greater than the thickness of the spring strips (fig. 2). Note crosspieces (6,7) at opposite ends of the blade, each having a middle section which extends spaced a distance apart from the upper band surface. With respect to claim 14, note that the yoke (3) is coupled to the strips (12) in a middle region of the spring strips and such yokes are embodied as part of a connecting device for coupling with a wiper arm.

The patent to Krohm discloses all of the above recited subject matter with the exception of the wiper lip being tilttable between the constriction grooves.

The patent to Anderson (see fig. 12) discloses shaping of the constriction grooves (34) between the spring strips (35) such as to promote vacillation or tilting of a portion or portions of the wiper blade between the strips.

It would have been obvious to one of skill in the art to shape the constriction grooves of Krohm, as clearly suggested by Anderson, to promote vacillation or tilting of the wiper blade and thus improve wiping performance.

Response to Arguments

Applicant's arguments filed 09 September 2004 have been fully considered but they are not persuasive.

Applicant argues that none of the cited art shows a wiper blade in which the support element merely comprises two elongated rails, which come to rest in groove-like constrictions that make possible the tilting movement. Such is not persuasive. As set forth above, both Green and Rosen disclose groove-like constrictions that are shaped such that they would allow tilting movement as claimed. The grooves provide space to enable such tilting just as applicant's. With respect to Rickett and Krohm, as set forth above, Anderson teaches shaping of the constriction grooves to enable flexing or vacillation thus enabling the tilting of the wiper blade as claimed.

Allowable Subject Matter

Claim 18 is allowed.

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary K Graham
Primary Examiner
Art Unit 1744

GKG
29 November 2004